

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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MAY 30 2001

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)
)
 Administration of the North American)
 Numbering Plan)
)
 North American Numbering Plan)
 Administration Contribution Factor and)
 Fund Size for July 2001 through)
 June 2002)

CC Docket No. 92-237

NSD File No. L-01-96

WORLDCOM COMMENTS

In its May 4, 2001 submission of its contribution factor and fund size, the North American Numbering Plan Billing and Collection, Inc (NBANC) asks the Commission to provide explicit guidance as to the appropriate activities for which NBANC may bill and collect monies from domestic telecommunications carriers. A recent change in the Commission's rules appears to expand the Commission's discretion to direct the payment of NBANC funds to entities other than the North American Numbering Plan Administrator (NANPA). While WorldCom believes that it may be both beneficial and appropriate for the Commission to direct the use of NBANC funds for activities closely related to North American Numbering Plan (NANP) administration, WorldCom agrees with NBANC that clearer guidance regarding the boundaries of such activities would be helpful. WorldCom also urges the Commission to consult closely with industry members whenever it considers unplanned expenditures of NBANC funds.

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The Telecommunications Act of 1996 marked a sea change in numbering administration. No longer would telephone numbers be administered by the Bell Operating Companies and their subsidiaries. Instead, the statute requires the Commission to “create or designate one or more impartial entities to administer telecommunications numbering and to make such numbers available on an equitable basis.” 47 U.S.C. § 251(e)(1). The statute further requires that “[t]he cost of establishing telecommunications numbering administration arrangements [] shall be borne by all telecommunications carriers on a competitively neutral basis as determined by the Commission.” 47 U.S.C. § 251(e)(2).

Pursuant to this statutory mandate, the Commission followed the advice of its federal advisory committee, the North American Numbering Council (NANC), and selected Lockheed Martin to serve as the first NANPA.¹ The Commission established the NBANC to serve as the billing and collection agent for the payment of compensation to the NANPA. Indeed, until quite recently the Commission’s rules explicitly mentioned only the NANPA, and stated that the billing and collection agent should “calculate, assess, bill and collect payments for numbering administration functions and distribute funds to NANPA on a monthly basis.” 47 C.F.R. § 52.16(a) (revised as of October 1, 2000).

In apparent preparation for the disbursement of funds to the as yet unnamed pooling administrator, last December the Commission adopted an amended version of this rule. Under the new 47 C.F.R. § 52.16(a), which became effective on March 10, 2001, the billing and collection agent shall “calculate, assess, bill and collect payments for all numbering administration functions and distribute funds to the NANPA, *or other*

agent designated by the Common Carrier Bureau that performs functions related to numbering administration, on a monthly basis.” (Emphasis added.)

According to the NBANC submission, NBANC has made five disbursements beginning in early December 2001 to MITRE Corp. for consulting services rendered to Commission staff on the pooling administration Request for Proposal (RFP) and pending NeuStar requests for increased funding. Subsequently, NBANC representatives have been questioned in public fora such as the NANC regarding the appropriateness of the payments to MITRE.

The amended version of 47 C.F.R. § 52.16(a) appears to authorize payments such as those made to MITRE. After all, MITRE’s consulting services may qualify as functions related to numbering administration. But this approach greatly expands the Bureau’s discretion to spend resources supplied by the industry on matters only tangentially related to numbering administration. As NBANC suggests, the Commission “may consider more arrangements of this type in the future.”² Moreover, this would signal a radical departure from the prior rule, which authorized payments only to the NANPA. If in fact the Commission intended the amended rule to accomplish more than to permit the disbursement of funds to the pooling administrator, and to also allow the hiring of consultants with NBANC funds, the Commission would be well-served to seek comment on this unexpected departure from the earlier rule.

WorldCom supports NBANC’s request for explicit guidance on the scope of this rule. NBANC funds are collected entirely from industry members. The industry has a

¹ Lockheed Martin was the corporate predecessor to NeuStar, the current NANPA.

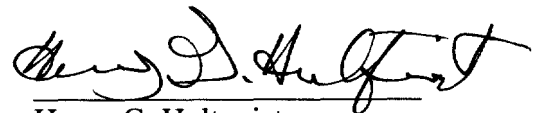
² NBANC Submission at 7.

substantial interest in knowing the extent of the Commission's discretion to spend this money.

WorldCom also urges the Commission take advantage whenever possible of the substantial industry expertise available through the NANC, and thus avoid the expenditure of funds on outside consultants. The first NANPA RFP was conducted largely by the NANC without any need for the input of outside consultants. The NANC was also prepared to manage the pooling RFP. The Commission should perhaps re-think the approach it took to the pooling RFP and the NeuStar requests. By consulting with the NANC, not only does the Commission benefit from substantial expertise, but it also keeps the public more fully informed of potential developments in its policies and plans.

Respectfully submitted,

WorldCom, Inc.

A handwritten signature in dark ink, appearing to read "Henry G. Hultquist", written over a horizontal line.

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May 30, 2001

Certificate of Service

I, Barbara Nowlin, do hereby certify that copies of the foregoing comments of WorldCom, Inc. regarding NBANC Contribution Factor were sent via first class mail, postage paid to the following on this 30th day of May, 2001.

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